

**BEFORE THE MISSOURI REAL ESTATE COMMISSION**

MISSOURI REAL ESTATE COMMISSION	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 18-1387 RE
	)	
	)	
PAULA DUPREE	)	
LAMAR REAL ESTATE, INC	)	
	)	
Respondents.	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DISCIPLINARY ORDER**

On or about March 22, 2019, the Administrative Hearing Commission entered its Decision in the case of *Missouri Real Estate Commission v. Paula Dupree and Lamar Real Estate Inc.*, No. 18-1387 RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Paula Dupree's real estate broker officer license (license no. 2004010635) and Lamar Real Estate Inc's real estate corporation license (license no. 2004031126) are subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2, (15), (16), and (19), RSMo.<sup>1</sup>

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on June 5, 2019, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

against Respondents' licenses. All of the members of the Commission were present throughout the meeting. Further, each member of this Commission has read the Default Decisions of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Craig Jacobs. Respondent Dupree having received proper notice and opportunity to appear did not appear in person or through legal counsel. Respondent Lamar Real Estate Inc. having received proper notice and opportunity to appear did not appear through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

**I.**

**FINDINGS OF FACT**

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the properly pled Complaint and the Default Decision of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Paula Dupree and Lamar Real Estate Inc.*, Case No. 18-1387 RE, issued March 22, 2019, in its entirety and takes official notice thereof.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondents in a proper and timely fashion. Respondent Dupree failed to appear in person or through legal counsel and Respondent Lamar Real Estate Inc. failed to appear through legal counsel at the hearing before the Commission.

4. This Commission licensed Respondent Dupree as a broker officer, license number 2004010635. Respondent Dupree's broker officer license was current at all times relevant to this proceeding. This Commission licensed Respondent Lamar Real Estate Inc. as a real estate corporation, license number 2004031126. Respondent Lamar Real Estate Inc.'s real estate corporation license was current at all times relevant to this proceeding.

## II.

### **CONCLUSIONS OF LAW**

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the properly pled complaint and Default Decision issued by the Administrative Hearing Commission dated March 22, 2019, in *Missouri Real Estate Commission v. Paula Dupree and Lamar Real Estate Inc.*, Case No. 18-1387 RE, takes official notice thereof, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated March 22, 2019, Respondents' real estate broker officer license, number 2004010635, and real estate corporation license, number 2004031126, are subject to disciplinary action by the Commission pursuant to § 339.100.2 (15), (16), and (19), RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

### III.

#### **ORDER**

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that:

Respondent Paula Dupree's real estate broker officer license (license no. 2004010635) is hereby **REVOKED**.

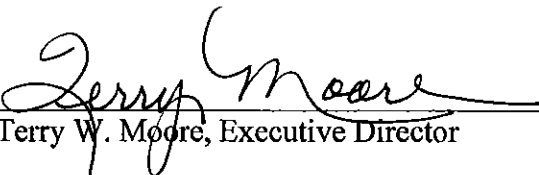
Respondent Lamar Real Estate Inc.'s real estate corporation license (license no. 2004031126) is hereby **REVOKED**.

All evidence of Respondents' licensure shall be immediately returned to the Commission within 30 days of this Order along with a Closing of a Real Estate Brokerage/Sole Proprietorship form, if Respondent has not already done so.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 11<sup>TH</sup> DAY OF JUNE, 2019.

MISSOURI REAL ESTATE COMMISSION

  
Terry W. Moore, Executive Director

Before the  
Administrative Hearing Commission  
State of Missouri



MISSOURI REAL ESTATE COMMISSION )

Petitioner, )

v. )

No. 18-1387

LAMAR REAL ESTATE INC. and PAULA  
DUPREE, )

Respondents. )

**DEFAULT DECISION**

On November 28, 2018, Petitioner filed a properly pled complaint seeking to discipline Respondents, and an amended complaint on December 5, 2018. Respondent Dupree was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail on December 1, 2018, and with the amended complaint on December 27, 2018. Respondent Lamar Real Estate was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail on January 17, 2019, and with the amended complaint on January 16, 2019.

More than thirty days have elapsed since Respondents were served. Respondents have not filed an answer or otherwise responded to the amended complaint.

In accordance with § 621.100.2, RSMo 2016, we enter a default decision against Respondents establishing that Petitioner is entitled to the relief requested in the amended complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on March 22, 2019.

AUDREY HANSON MCINTOSH  
Commissioner

**FILED**

November 28, 2018

ADMINISTRATIVE  
HEARING COMMISSION

**BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

MISSOURI REAL ESTATE  
COMMISSION,  
3605 Missouri Boulevard  
P.O. Box 1339  
Jefferson City, MO 65102,

Petitioner,

v.

LAMAR REAL ESTATE INC.,  
Serve: Judy Ullmann  
904 West 12<sup>th</sup> Street  
Lamar, MO 64759  
Telephone: (816) 808-1205,

And

PAULA DUPREE  
28308 S 725 Rd  
Bronaugh, MO 64728  
Telephone: (417) 922-3354,

Respondents.

Case No. \_\_\_\_\_

**COMPLAINT**

Petitioner, the Missouri Real Estate Commission ("MREC"), by and through the Attorney General of the State of Missouri, and for its cause of action against Respondents, states the following:

1. The MREC is an agency of the State of Missouri, created and established pursuant to § 339.120, RSMo,<sup>1</sup> for the purpose of executing and enforcing the provisions of Chapter 339, RSMo, Real Estate Agents, Brokers, Appraisers, and Escrow Agents.

2. Respondent Lamar Real Estate, Inc., holds a real estate corporation license, license no. 2004031126, which expires on June 30, 2020.

3. Respondent Paula Dupree ("Dupree") holds a license as a real estate broker officer, license no. 2004010635, which expires June 30, 2020.

4. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 339.100, RSMo.

5. On or about September 28, 2015, the MREC sent to Dupree and Lamar Real Estate, Inc. a letter indicating that they were being randomly selected for audit of their real estate records. Dupree and Lamar Real Estate, Inc., were also requested to complete a questionnaire provided by the MREC. The letter requested the records be submitted by Dupree and Lamar Real Estate, Inc., to the MREC within 30 days. The letter also stated that after receipt of the questionnaire, the MREC would schedule an audit at a mutually agreeable time.

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<sup>1</sup> All statutory citations are to the 2016 Revised Statutes of Missouri, as amended, unless otherwise noted.

6. On or about October 26, 2015, Dupree and Lamar Real Estate, Inc. contacted the MREC and stated she had lost the questionnaire. The MREC attempted to call Dupree and Lamar Real Estate, Inc., at the phone number they provided and a number in the MREC's records and left a voicemail message at both numbers. The MREC attempted an additional call at both numbers on October 29, 2015 and again left voicemail messages.

7. On November 2, 2015, Dupree and Lamar Real Estate, Inc., called and requested additional time to submit the documents. Dupree and Lamar Real Estate, Inc., was given an additional 30 days to submit the documents.

8. The MREC sent Dupree and Lamar Real Estate, Inc., a letter dated November 2, 2015, and an additional questionnaire. The letter confirmed Dupree and Lamar Real Estate, Inc., had 30 days to submit the documents and that if Dupree and Lamar Real Estate, Inc., failed to respond within 30 days, the matter would be reviewed for possible disciplinary action.

9. On December 2, 2015, the MREC received the signed questionnaire from Licensees, dated November 29, 2015, as well as copies of the licenses for Dupree and Lamar Real Estate, Inc.

10. On December 9, 2015, the MREC attempted to contact Dupree and Lamar Real Estate, Inc., and left a voicemail message for her. Also on



December 9, 2015, the MREC issued Respondents a third letter advising of the attempts to contact Dupree and Lamar Real Estate, Inc., and requesting Dupree and Lamar Real Estate, Inc. contact the MREC to schedule the audit within the next 30 days.

11. On January 6, 2016, Dupree and Lamar Real Estate, Inc., emailed the MREC advising that they had submitted the questionnaire on December 1, 2015. Dupree and Lamar Real Estate, Inc. also attached their fax log for the questionnaire and stated that they had not had any sales and were considering closing the office. Dupree and Lamar Real Estate, Inc., sent a second email on January 6, 2016, attached the broker questionnaire, copies of both licenses and the November 2, 2015 letter. The MREC attempted to reply to the email but the email delivery failed due to "a problem with the recipient's mailbox."

12. On January 12, 2016, the MREC sent Dupree and Lamar Real Estate, Inc., a letter stating that the MREC received the questionnaire and instructing Dupree and Lamar Real Estate, Inc., to email or fax a list of items related to Respondents' business to the MREC by February 11, 2016 in an attempt to complete the audit. To date, the MREC has not received a response to this letter or any of the items requested in the letter.

13. Section 339.100.2, RSMo, provides in part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

...

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860\*\*, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860\*\*;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

...

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

14. Section 339.040, RSMo, establishes the criteria that must be established to hold a real estate broker's license and states, in relevant part:

1. Licenses shall be granted only to persons who present...satisfactory proof to the commission that they:

...

(3) Are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

15. Rule 20 CSR 2250-8.160, regarding the retention of records, states:

(1) Every broker shall retain for a period of at least three (3) years true copies of all business books; accounts, including voided checks; records; contracts; brokerage relationship agreements; closing statements and correspondence relating to each real estate transaction that the broker has handled. The records shall be made available for inspection by the commission and its authorized agents at all times during usual business hours at the broker's regular place of business. No broker shall charge a separate fee relating to retention of records.

16. By failing to allow an audit at their place of business by the MREC, as well as failing to make available records requested by the MREC, Dupree and Lamar Real Estate, Inc., thereby violated 20 CSR 2250-8.160, providing cause to discipline their real estate licenses pursuant to § 339.100.2(15) and/or (19), RSMo.

17. Rule 20 CSR 2250-8.170, regarding the duty to respond to the MREC, states:

(1) Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee.

18. By failing to respond in writing, within 30 days from the date of the MREC's requests or inquiries, Dupree and Lamar Real Estate, Inc., thereby violated 20 CSR 2250-8.170, providing cause to discipline their licenses pursuant to § 339.100.2(15) and/or (19), RSMo.

19. Dupree and Lamar Real Estate, Inc.'s failure to allow the MREC to audit their business, to provide requested documents, and/or to respond to the MREC letters is evidence that Dupree and Lamar Real Estate, Inc., are not competent to transact the business of a broker in such a manner as to safeguard the interest of the public. Therefore, there would be grounds under § 339.040.1, RSMo, for the MREC to deny a license to Dupree and Lamar Real Estate, Inc., and thus provides cause for discipline under § 339.100.2(16), RSMo.

20. Ziegler's conduct, as alleged in this Complaint, constitutes untrustworthy, improper, and/or fraudulent business dealings and/or demonstrates bad faith, incompetence, misconduct, and/or gross negligence, providing cause for discipline under §339.100.2(19), RSMO.

WHEREFORE, Petitioner requests that the Administrative Hearing Commission conduct a hearing in this case pursuant to Chapter 621, RSMo, and issue its Findings of Fact and Conclusions of Law determining that

Petitioner may take disciplinary action against the real estate licenses of Respondent Paula Dupree as a real estate broker and Respondent Lamar Real Estate, Inc., as a real estate corporation for the violations noted above, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

JOSHUA D. HAWLEY  
Attorney General

/s/ Craig H. Jacobs  
Craig H. Jacobs  
Assistant Attorney General  
Missouri Bar No. 48358

207 West High Street  
P.O. Box 899  
Jefferson City, MO 65102  
Telephone: (573) 751-1143  
Telefax: (573) 751-5660  
Email: craig.jacobs@ago.mo.gov

Attorneys for Petitioner

Return Receipt (Form 3811) Barcode



9590 9266 9904 2100 6754 83

1. Article Addressed to:

Paula Dupree  
28308 S. 725 Rd.  
Bronaugh, MO. 64728

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2100 6754 80

PS Form 3811, Facsimile, July 2015

COMPLETE THIS SECTION ON DELIVERY

A. Signature

*Paula Dupree*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

*Paula Dupree*

C. Date of Delivery

*12-1-18*

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☐ No

**FILED**

DEC 04 2018

ADMINISTRATIVE HEARING  
COMMISSION

**RESTRICTED  
DELIVERY**

☒ Certified Mail Restricted Delivery

Reference Information

Domestic Return Receipt

**BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

**FILED**

December 05, 2018

ADMINISTRATIVE  
HEARING COMMISSION

MISSOURI REAL ESTATE  
COMMISSION,  
3605 Missouri Boulevard  
P.O. Box 1339  
Jefferson City, MO 65102,

Petitioner,

v.

LAMAR REAL ESTATE INC.,  
Serve: Judy Ullmann  
904 West 12<sup>th</sup> Street  
Lamar, MO 64759  
Telephone: (816) 808-1205,

And

PAULA DUPREE  
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Bronaugh, MO 64728  
Telephone: (417) 922-3354,

Respondents.

Case No. 18-1387

**AMENDED COMPLAINT**

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18. By failing to respond in writing, within 30 days from the date of the MREC's requests or inquiries, Dupree and Lamar Real Estate, Inc., thereby violated 20 CSR 2250-8.170, providing cause to discipline their licenses pursuant to § 339.100.2(15) and/or (19), RSMo.

19. Dupree and Lamar Real Estate, Inc.'s failure to allow the MREC to audit their business, to provide requested documents, and/or to respond to the MREC letters is evidence that Dupree and Lamar Real Estate, Inc., are not competent to transact the business of a broker in such a manner as to safeguard the interest of the public. Therefore, there would be grounds under § 339.040.1, RSMo, for the MREC to deny a license to Dupree and Lamar Real Estate, Inc., and thus provides cause for discipline under § 339.100.2(16), RSMo.

20. Dupree and Lamar Real Estate, Inc.'s conduct, as alleged in this Complaint, constitutes untrustworthy, improper, and/or fraudulent business dealings and/or demonstrates bad faith, incompetence, misconduct, and/or gross negligence, providing cause for discipline under §339.100.2(19), RSMO.

WHEREFORE, Petitioner requests that the Administrative Hearing Commission conduct a hearing in this case pursuant to Chapter 621, RSMo, and issue its Findings of Fact and Conclusions of Law determining that

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Respectfully submitted,

JOSHUA D. HAWLEY  
Attorney General

/s/ Craig H. Jacobs  
Craig H. Jacobs  
Assistant Attorney General  
Missouri Bar No. 48358

207 West High Street  
P.O. Box 899  
Jefferson City, MO 65102  
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Attorneys for Petitioner



ERIC S. SCHMITT  
Attorney General

/s/ Craig H. Jacobs  
Craig H. Jacobs, MBN 48358  
Assistant Attorney General

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Jefferson City, MO 65102  
Telephone: (573) 751-8769  
Facsimile: (573) 751-5660  
Attorneys for Petitioner



BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

MISSOURI REAL ESTATE )  
COMMISSION, )

Petitioner, )

v. )

LAMAR REAL ESTATE, INC., )

Respondent. )

No. 18-1387

**FILED**

January 30, 2019

ADMINISTRATIVE  
HEARING COMMISSION

AFFIDAVIT OF JUDY R. ULLMANN,  
AGENT FOR SERVICE OF PROCESS  
FOR LAMAR REAL ESTATE, INC.

STATE OF MISSOURI )  
COUNTY OF VERNON )

Before me, the undersigned authority, personally appeared Judy R. Ullmann, and after being duly sworn in, stated as follows:

My name is Judy R. Ullmann. I am of sound mind, capable of making this affidavit and over eighteen years of age.

I am employed as an attorney with the firm of Ewing & Hoberock in Nevada, Missouri, and I am the agent for service of process for Lamar Real Estate, Inc.

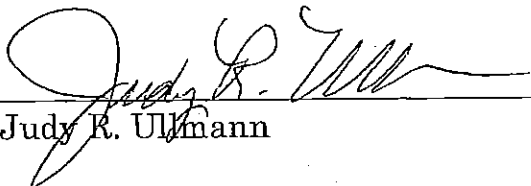
My business address is 123 N. Main Street, Nevada, Missouri 64772.

I have personal knowledge of the matters contained in this affidavit.

1. On January 16, 2019, I received by certified mail, through our Office Manager, Melanie Boyd, the First Amended Complaint in the above-referenced matter.

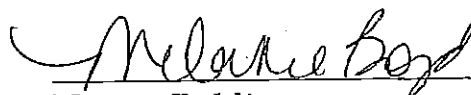
2. On January 17, 2019, I received by certified mail, through our Office Manager, Melanie Boyd, the Complaint and Notice of Hearing/Notice of Complaint in the above-referenced matter.

3. This affidavit is not to be construed as an entry of appearance by myself or my firm in this matter for Respondent Lamar Real Estate, Inc. Further affiant sayeth not.

BY:   
Judy R. Ullmann

STATE OF MISSOURI     )  
COUNTY OF VERNON    )

Subscribed to and sworn before me, a notary public in and for said County and State this 29<sup>th</sup> day of January, 2019.

  
Notary Public

My commission expires: \_\_\_\_\_

